IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

Bail Appl..No. 3771 of 2007()

CRIME NO.370 OF 2006 OF HARIPAD POLICE STATION

: ACCUSED;

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1. REMANAN AGED 42 YEARS, S/O.CHELLAPPAN, ABIJITH BHAVANAM, PILAPPUZHA SOUTH MURI, HARIPAD VILLAGE, KARTHIKAPALY TALUK.

2. SHIBU @ APPU AGED 31 YEARS, S/O.CHANDRAN, CHAKKALAKIZHAKKATHIL, NADUVATTAM MURI, PALLIPAD VILLAGE, KARTHIKAPALLY TALUK.

BY ADV. SRI.K.JAISHANKAR

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

2. CIRCLE INSPECTOR OF POLICE, HARIPAD POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3771 of 2007

Dated this the 27th day of June, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 6 and 11. Altogether there are 12 accused persons. They face allegations, inter alia, under Sections 452 and 307 r/w 149 I.P.C. The crux of the allegations is that the defacto complainant was attacked at 2 a.m on 29.08.2006 by members of an unlawful assembly. The 1st petitioner (6th accused) is named in the F.I.R. The 2nd petitioner (11th accused) has been arrayed as an accused subsequently as one of the identifiable person referred to in the F.I.R. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Anticipatory bail may, in these circumstances, be granted to the petitioners, it is prayed. So far as the 6th accused, it is contended that though the name and father's name of the petitioner tally with the description of the 6th accused, the other details (address of the place of residence) do not tally with and therefore the 6th accused is entitled for anticipatory bail on that ground also.

3. The learned Public Prosecutor after taking instructions submits that there is absolutely no confusion about the identity of the

6th accused. Notwithstanding the innocuous difference in the description of the address of the 6th accused, it is evident that it is one and the same person that is arrayed as the 6th accused and who has filed this application for anticipatory bail. The addresses referred to, on the basis of which confusion is attempted to be created, are only the former and present addresses of the accused persons, submits the learned Public Prosecutor.

4. I have considered all the relevant inputs. I find merit in the opposition by the learned Public Prosecutor . I find no merit in the attempt to create confusion on the basis of the difference in the address of the 6th accused. This, I am satisfied, is a fit case, where the petitioners must resort to the ordinary and regular procedure of appearing before the learned Magistrate or the Investigating Officer. They must then seek regular bail. Needless to say that their applications for regular bail will have to be considered by the learned Magistrate on merits, in accordance with law and expeditiously. No further or better directions appear to be necessary. All courts must do the same.

5. In the result, this bail application is, dismissed with the above observations.

(R.BASANT, JUDGE)

rtr/-